

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO.: 3:09CV190**

**CORPORATE PLAZA PARTNERS, )  
LLC )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
CITY OF CHARLOTTE et al, )  
 )  
Defendant. )  
\_\_\_\_\_ )**

**ORDER**

**THIS MATTER** is before the court on its own motion. In a Motion Hearing for a Temporary Restraining Order before the undersigned, Defendant challenged the court's jurisdiction to hear this matter. Defendant argued that a member of the Plaintiff's LLC was a resident of North Carolina, thereby destroying diversity. The court allowed the Plaintiff thirty minutes to make phone calls in order to assess the veracity of the Defendant's contention. Plaintiff confirmed that a member of the LLC was indeed a resident of North Carolina; therefore, there was not complete diversity, and the court lacked subject matter jurisdiction. Accordingly,

**IT IS THEREFORE ORDERED THAT** Plaintiff's Complaint is **DISMISSED** for lack of subject matter jurisdiction.

Signed: May 14, 2009



Graham C. Mullen  
United States District Judge

